

REMARKS

The Office Action dated April 30, 2003, included the following rejections, objections, and comments:

1. Claims 1, 2, and 23-28 were provisionally rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-23 of co-pending application 10/044,414.
2. Claims 1, 2, and 23-28 were provisionally rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742.
3. Claims 1, 2, and 23-28 were provisionally rejected under the judicially created doctrine of obvious type double-patenting as being, unpatentable over Claims 1-5 and 13-23 of co-pending application 10/044,166.
4. Claims 1-2 were rejected under 35 USC §102(b), as being anticipated by Aoki (EP 693587).
5. Claims 1-2 were rejected under 35 USC §102(b), as being anticipated by Abe (US 5,372,884).
6. Claims 23-28 were rejected under 35 USC §103(a), as being unpatentable over Aoki.
7. Claim 3 was rejected under 35 USC §103(a), as being unpatentable over Abe, and in view of McDowell (US 3,589,906).
8. Claims 23-28 were rejected under 35 USC §103(a), as being unpatentable over Abe.

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

1. Provisional Rejection Of Claims 1, 2, And 23-28 As Obviousness-Type Double Patenting Over S/N 10/044,414.

Claims 1, 2, and 23-28 were rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-23 of co-pending application 10/044,414. Applicant submits herewith a Terminal Disclaimer to over come the provisional rejection. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moved.

2. Provisional Rejection Of Claims 1, 2 And 23-28 As Obviousness-Type Double-Patenting Over Co-Pending S/N 10/040,742.

Claims 1, 2, and 23-18 were rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/040,742. Applicant submits herewith a Terminal Disclaimer to over come the provisional rejection. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moved.

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3. Provisional Rejection Of Claims 1,2 And 23-28 As Obviousness-Type Double-Patenting Over S/N 10/044,166.

Claims 1, 2, and 23-18 were rejected under the judicially created doctrine of obvious type double-patenting, as being unpatentable over Claims 1-5 and 13-23 of co-pending application 10/044,166. Applicant submits herewith a Terminal Disclaimer to over come the provisional rejection. Therefore, Applicant respectfully submits that the obviousness-type double patenting rejection has become moved.

4. Rejection Of Claims 1-2 As Anticipated By Aoki.

Claims 1 and 2 were rejected as being anticipated by Aoki. It was asserted that Aoki discloses a cloth made of fiber, and a coating on the cloth comprising a water repellent compound, a water-soluble substances comprising a hydrophilic group, and a water-soluble inorganic salts. It was believed that the water-soluble substance having a hydrophilic group in Aoki was the same as the sorbent polymer in the present invention. However, it is respectfully submitted that the water-soluble substance having a hydrophilic group listed in Aoki (See page 4, lines 34-42), are monomeric and oligomeric small molecules, and are not polymers (See Affidavit By Elizabeth Cates enclosed herewith). Therefore, Applicants respectfully submit that Aoki does not anticipate the claimed invention.

5. Rejection Of Claims 1-2 As Being Anticipated By Abe.

Claims 1-2 were rejected under 35 USC §102(b) as being anticipated by Abe. Abe discloses an ink-jet recording sheet having a supporting layer and an ink receiving layer. It was asserted that the substrate in Abe was equivalent to Applicant's textile substrate, and that the fluorine surfactant was equivalent to Applicant's repellent finish. However, Applicants respectfully submit that the substrate of Abe is not equivalent to Applicant's textile substrate. Additionally, Applicants respectfully submit that the fluorine surfactant in Abe is not equivalent to Applicant's repellent finish.

The substrate disclosed in Abe is either films or sheets (Column 5, lines 7-8), or paper, coated paper, synthetic paper, resin coated paper, pigment containing opaque film and foamed film (See column 5, lines 14-17). Applicant respectfully submits that the smoothness of the film or paper in Abe are more smooth and two dimensional than the courser surface of a textile. The courserness of the textile presents a three dimensional surface ink will react differently to when applied to that surface (See Affidavit By Elizabeth Cates enclosed herewith). For this reason, Applicant's respectfully submit that the substrate of papers or films in Abe are not equivalent to textiles, and that Abe does not disclose the element of a textile substrate as claimed in the present invention.

Additionally, Applicants respectfully submit that Abe does not disclose a repellent finish as in the claimed invention. Applicant has amended Claim 2 to more clearly show that the fluorochemical is a repellent fluorochemical. As noted in the Office Action, Abe used a fluorine surfactant. However, the purpose of the surfactant in Abe is to wet across a surface, as opposed to repel. In fact, Abe references a specific surfactant from US 3,589,906, which specifically states that the purpose of these surfactants is to prevent any area that might develop repellent characteristics. Applicants submit the

enclosed Affidavit By Elizabeth Cates in support of this position. Therefore, Applicants respectfully submit that Abe does not disclose a repellent finish chemical as in the present invention.

For these reasons, Applicants respectfully submit that the claimed invention is not anticipated by Abe.

6. Rejection Of Claims 23-28 Under 35 USC §103(a) As Being Obvious Over Aoki.

It was noted that Aoki discloses a water repellent compound present in the amount of 0.05-40% by weight and that the claimed ranges of the present invention overlay inside the ranges disclosed by the prior art. However, as previously pointed out, Aoki does not obtain a sorbent polymer as in the claimed invention. Therefore, Applicants respectfully submit that even if the ranges of the repellent compound were to overlap inside the ranges of the prior art, no case of obviousness can be found when the prior art lacks the critical element of the sorbent polymer.

7. Rejection Of Claim 3 Under 35 USC §103(a), As Being Obvious Over Abe, In View Of McDowell.

Claim 3 was rejected under 35 USC §103(a) as being unpatentable over Abe in view of McDowell. It was noted that Abe referenced McDowell as a preferred source of fluorinated surfactants. However, McDowell further teaches that the chemical in Abe and the chemical in McDowell are not repellent finishes. In fact, the object of McDowell is to present repellent spots on the substrate (see column 1, lines 13-15 ("to form layers without repellent spots"), and column 2, lines 52-63). Applicants respectfully submit that the particular fluorochemicals and fluorocarbon groups in Abe and McDowell are not repellent finishes. In contrast, the present invention requires a repellent finish. Applicants have amended Claim 3 to be consistent with Claim 2 in specifically pointing out that the fluorochemical is a repellent finish. Applicants submit the enclosed Affidavit By Elizabeth Cates in support of this position. Therefore, Applicants respectfully submit that the claimed invention is not obvious over Abe in view of McDowell.

8. Rejection Of Claims 23-28 Under 35 USC §103(a), As Being Obvious Over Abe.

Claims 23-28 were rejected under 35 USC §103(a), as being obvious over Abe. As pointed out above, Applicants respectfully submit that the smoother substrate in Abe, presents different obstacles in obtaining a good print quality. Because of these differences, Applicants respectfully submit that it cannot automatically be assumed that techniques for improving print quality on substrates such as in Abe, would also improve the print quality on textiles. Applicants submit the enclosed Affidavit By Elizabeth Cates in support of this position. Therefore, Applicants respectfully submit that it would not have been obvious to use the surface treatment from Abe on the textile of the present invention.

In addition to the differences of the substrate, Applicants again point out that the fluorine surfactant in Abe is not a repellent finish, as required by the claimed invention. Actually, the fluorine surfactant in Abe is present to prevent repellent spots on the substrate. Applicants submit the enclosed Affidavit By Elizabeth Cates in support of this position. This opposing purpose of the fluorine surfactant in Abe and the repellent finish in the claimed invention also points out the differences between the obstacles in

Serial No.: 10/044,171
Inventor(s): Cates et al.

U.S. PTO Customer No. 25280
Case No.: 5235

obtaining good print quality on the smoother substrate surface in Abe, and the courser surface of the textile in the claimed invention. Therefore, Applicants respectfully submit that the textile and surface treatment in the present invention would not have been obvious in view Abe.

Applicant having addressed all of the rejections, objections, and comments in the latest Office Action, respectfully requests reconsideration and allowance of the pending claims in view of the above Amendments and Remarks. Applicant respectfully submits that the amendments submitted herewith do not add new matter to the application. In the event that the Examiner believes that the claims would be allowable with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.